



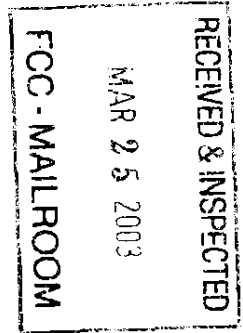
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Federal Communications Commission  
Washington, D.C. 20554

e4C203  
Spraggy Center

March 19, 2003

Mr. Paul A. Cicelski  
Shaw Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037



Dear Mr. Cicelski:

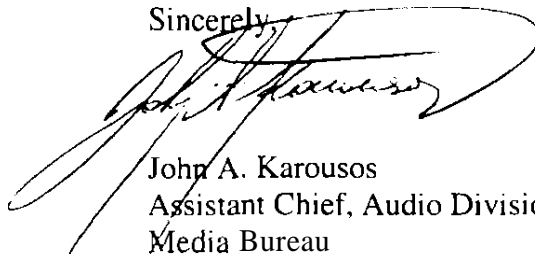
This is in response to the petition for rule making filed on behalf of WSJM, Inc., licensee of Station WZBL(FM) at Hartford, Michigan and Station **WCSY-FM** at South Haven, Michigan, requesting (1) the substitution of Channel **252A** for Channel 279A at Hartford, Michigan; and (2) the substitution of Channel 279A for Channel 252A at South Haven, Michigan.

In support of its proposal, WSJM, Inc. states that Stations WZBL(FM) and WCSY-FM are located on the same tower and *are* currently prohibited from increasing facilities on their own or adjacent channels due to spacing restrictions. Petitioner further states that a channel swap would allow Station WZBL(FM) on Channel **252A** to increase its power from 3.0 kilowatts to 6.0 kilowatts resulting in a significant improvement to the station's facilities.

We have reviewed your proposal and find that it unacceptable for consideration at this time. An engineering analysis has determined that the proposed substitution of Channel **252A** at Hartford does meet all technical requirements. On the other hand, the proposed substitution of Channel 279A at South Haven is not consistent with the Commission's Rules. While you state that Station WCSY-FM at South Haven would be operating at 3.0 kilowatts, the channel swap would create a new short-spaced Channel **279A** allotment at South Haven. Specifically, the substitution of Channel 279A at Station WCSY-FM's current transmitter site (42-18-02 NL and 86-15-03 WL) would create a short-spacing of 1.2 kilometers to the licensed site of Station WXSS(FM), Channel 279B, Wauwatosa, Wisconsin. The distance between the stations is 161.8 kilometers whereas the required minimum distance between a co-channel Class A and a Class B facility operating at 3.0 kilowatts is 163 kilometers. Since the short-spacing cannot be cured with a site restriction, the South Haven proposal does not meet the technical requirements of Section 73.207(b)(1) of the Commission's Rules.

For the reasons stated above, **we** are returning the petition for rule making.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", is written over the typed name and title.

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosures

SDM 112

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C.

**RECEIVED**

**NOV 27 2002**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

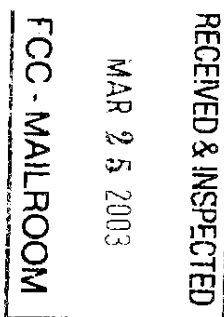
In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Hartford, Michigan and  
South Haven, Michigan)

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)  
)  
)  
)  
)

MM Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

To: Chief, Audio Division  
Media Bureau



**PETITION FOR RULEMAKING**

WSJM, Inc. ("WSJM"), by its attorneys, hereby requests that the Commission conduct a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, as follows: 1) substitute FM Channel 252A in place of Channel 279A in Hartford, Michigan; 2) modify the license of WZBL(FM) to specify operation on Channel 252A at Hartford, Michigan; 3) substitute FM Channel 279A in place of Channel **252A** at South Haven, Michigan; and 4) modify the license of WCSY-FM to specify operation on Channel 279A at South Haven, Michigan. In support of this proposal, WSJM states as follows:

WSJM is the licensee of FM stations WZBL(FM), Channel 279A, Hartford, Michigan and WCSY-FM, Channel 252A, South Haven, Michigan. The stations are located on the same tower and are currently prohibited from increasing facilities on their own or adjacent channels due to spacing restrictions. However, as shown in the attached Engineering Statement prepared by Dybedock & Associates, Inc., a channel swap will permit WZBL(FM) on Channel **252A** to increase its power from 3.0 kilowatts to 6.0 kilowatts, resulting in a significant improvement to

Community	Present	Proposed
Hartford, Michigan	279A	252A
South Haven, Michigan	252A	279A

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<sup>1</sup> *See* Exhibit 1.

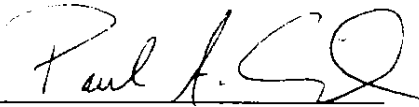
<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

WSJM further requests that the Commission modify the licenses of WZBL(FM) and WCSY-FM accordingly.

Respectfully submitted,

**WSJM, INC.**

By: 

David D. Oxenford

**Paul A. Cicelski**

Its Attorneys

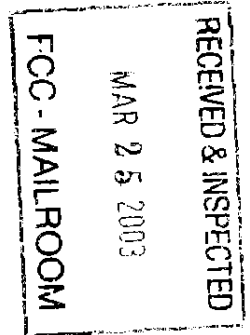
**SHAW PITTMAN LLP**  
2300 N Street, NW  
Washington, D.C. 20037  
(202) 663-8000

Dated: November 27, 2002

# **DYBEDOCK & ASSOCIATES, INC.**

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1455 Budd Boulevard - Kankakee, Illinois 60901  
(815) 937-1722 - FAX (815) 937-1844  
E-mail: [howard@midwesttower.com](mailto:howard@midwesttower.com)



## **ENGINEERING REPORT**

### **A PETITION FOR RULE MAKING TO AMEND THE FM TABLE OF ALLOTMENTS**

**TO ASSIGN FM CHANNEL 252A TO HARTFORD, MICHIGAN**

**TO ASSIGN FM CHANNEL 279A TO SOUTH HAVEN, MICHIGAN**

**WSJM, INC.**

**NOVEMBER 2002**

# DYBEDOCK & ASSOCIATES, INC.

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7455 Budd Boulevard - Kankakee, Illinois 60901  
(815) 937-1722 - FAX (815) 937-1844  
E-mail: howard@midwesttower.com

## ENGINEERING STATEMENT

This Engineering Statement and the attached documents have been prepared by Howard S. Dybedock, President of Dybedock and Associates, Inc., Broadcast Technical Consultants of Kankakee, Illinois. This Report supports a petition by WSJM, INC. which requests a modification of the Table of FM Allotments which would switch the existing FM assignments between South Haven and Hartford, Michigan.

Dybedock and Associates, Inc. has been retained by WSJM, INC. ("licensee") to prepare the engineering portion for a rule making to assign FM channel 252A to Hartford, Michigan and FM Channel 279A to South Haven, Michigan.

Presently Channel 279A is assigned to Hartford, Michigan and is occupied by WZBL, which operates with a power limited to 3.0 KW @ 100 meters due to short spacings which occurred as a result of the revision of 73.207 in the *Second Report and Order* in MM Docket No. 88-375. There is no location at which Channel 279A can be fully spaced in order to improve the facility.

Presently Channel 252A is assigned to South Haven, Michigan and is occupied by WCSY-FM, which also operates with an equivalent power of 3.0 KW @ 100 meters as a result of short spacings which occurred as a result of the revision of 73.207 in the *Second Report and Order* in MM Docket No. 88-375.

WSJM, INC. is the licensee of both WCSY-FM and WZBL. Both stations are located on the same tower, and neither station can improve its facility, however, an area exists approximately 9.1 kilometers southwest of the present WZBL – WCSY-FM transmitters sites at which Channel 252A meets all spacing requirements of 73.207 at 6.0 kilowatts and 100 meters. From this location, the entire community of Hartford will receive a signal in excess of 70 dBu.

WCSY-FM on FM Channel 279A will serve the entire community of South Haven with a signal in excess of 70 dBu.

**As** a result of this study, it has been determined that by switching the two assignments, WZBL operating on Channel 252A can increase power to 6.0 kilowatts, resulting in a substantial improvement to its facility. Therefore, it is proposed that Section 73.202(b) of the FCC Rules and Regulations be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Hartford, Michigan	279A	252A
South Haven, Michigan	252A	279A

It is the Licensee's intent to move and construct the Channel 252A facility upon the grant of a construction permit, and to modify the licenses of both stations in accordance with this petition.

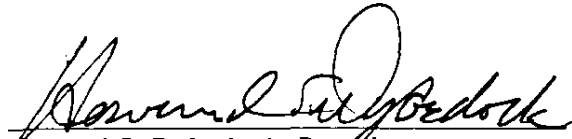
The change of the allotment of Channel 252A from South Haven to Hartford and the proposed move will meet all minimum separation requirements of the FCC Rules, and is tabulated on attached Figure 1

For the purposes of this petition for rule making, the following site coordinates for Channel 252A are assumed:

North Latitude: 42° 14' 49.0"; West Longitude: 86° 20' 06.0"

It is noted that in accordance with FCC 73.313(d)(2)(i), to calculate the average terrain elevation, terrain averages for the 270° and 315° radials were excluded as the entirety of the 3.0 to 16.0km. portions of the radials, as well as the 50 uV/m contours, extend over Lake Michigan. Based on the six remaining radials, the average elevation at the reference site was determined to be 196.4 meters AMSL, and the center of radiation of the proposed antenna is therefore 296.4 meters AMSL or 100.0 meters H.A.A.T.

The foregoing statement and attached figures have been prepared by or under the direction of Howard S. Dybedock, and are true and accurate to the best of my knowledge and belief.



Howard S. Dybedock, President  
Dybedock and Associates, Inc.

#### **ATTACHED FIGURES:**

figure 1. - Channel 252A Spacing Study at Reference Coordinates

Figure 2. - Map showing 70 dBu. Coverage of Hartford, MI. by Channel 252A

Figure 3. - Map showing 70 dBu. Coverage of S. Haven, MI. by Channel 279A



Dalaworld FM Spacing Study

**Title: Channel 252A at Hartford, MI Reference Site**

Latitude: N 42° 14' 49.0"

Channel: 252 A (98.3MHz)

Database: DW 5/29/2002 5:30:26 PM

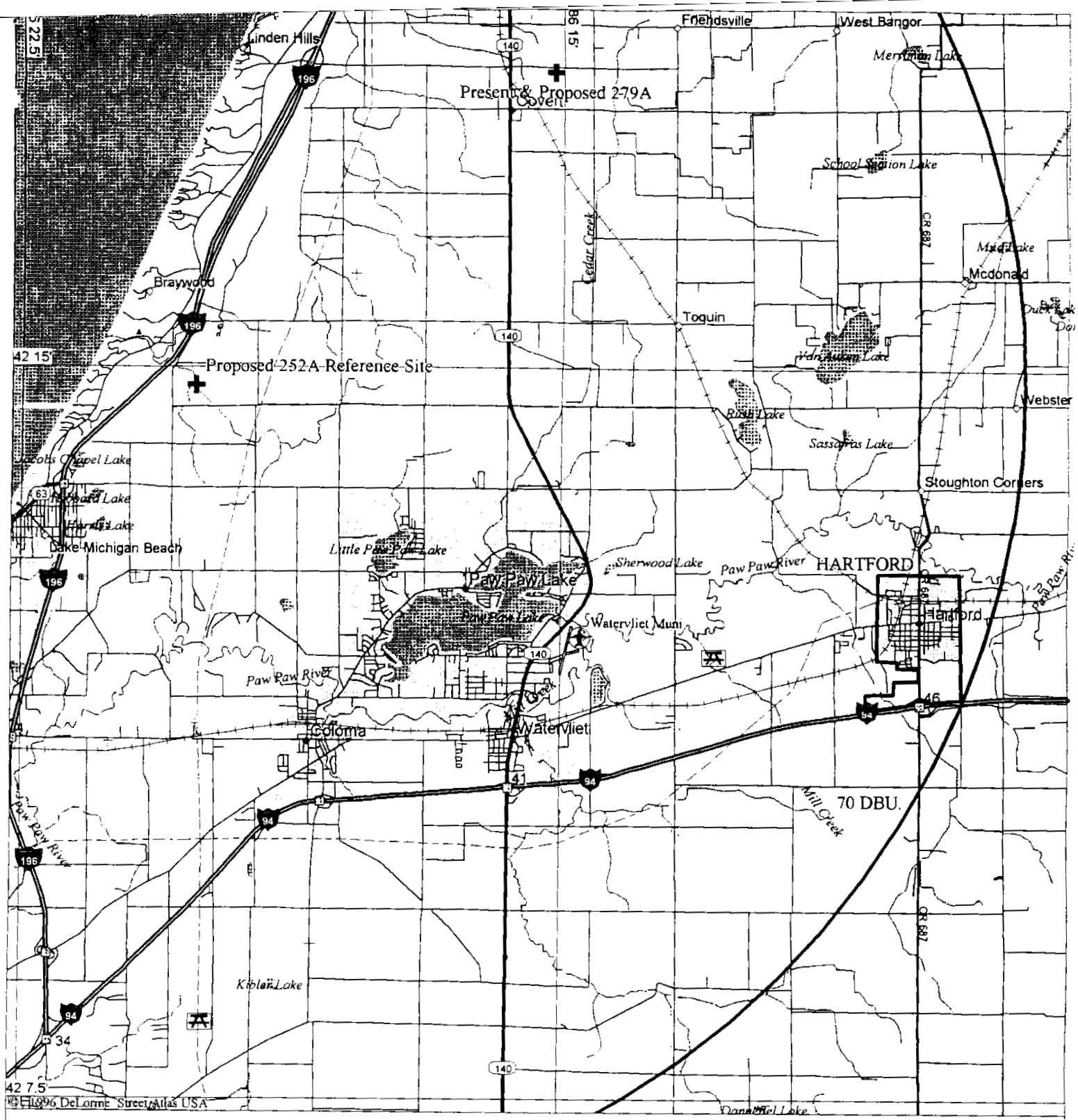
Longitude: W 86° 20' 06.0"

Safety Zone: 30.0 km

Call	Auth	Licensee name	Chan	HAAT(m)	ERP	Latitude	Br-lo	Dist	Req	
City of License		St	FCC File Number	Freq	HAMS(m)	(kW)	Longitude	-from	(km)	(km)
WZOW	Lic	Van Hawke - Johnson Communicatio	249A	146.9	2.9 H	N 41° 36' 04.0"	154.7	7928	31.00	
Goshen		IN	BLH-19930406KD	97.7	392.0	2.9 V	W 85° 55' 41.0"	335.0	48.28	CLEAR
WGRD-FM	Lic	Regent Broadcasling of Victorvil	250 B	179.8	13 H	N 42° 47' 46.0"	424	83.04	69.00	
Grand Rapids		MI	BLH-19880321KE	97.9	407.2	13 V	W 85° 38' 58.0'	222.8	14.04	CLOSE
WDFM	Lic	Citicasters Licenses, Inc. (2)	251 B	152.4	50 H	N 41° 17' 28.0"	124.9	183.3	113.0	
Defiance		OH	BLH-19850701KJ	98.1	370.9	50 V	W 84° 32' 17.0"	306.1	7029	CLEAR
WCSY-FM	Lic	WSJM, Inc.	252A	123.1	1.9 H	N 42° 18' 02.0'	49.2	9.147	115.0	
South Haven		MI	BLH-19920828KA	98.3	324.0	1.9 V	W 86° 15' 03.0'	229.3	-106	SHORT
ALLOC			252 A			N 41° 13' 04.0"	183.7	114.5	115.0	
Culver		IN	DOC-00-34	98.3		W 86° 25' 21.0'	3.6	-046	SHORT	
Granted effective 10/30/2000;										
WLCS	Lic	Joseph E. Cohen, Chapter 11 Trus	252 A	97.8	2.6 H	N 43° 16' 34.0"	3.6	114.6	115.0	
North Muskegon		MI	BLH-19831223AE	98.3	291.1	2.6 V	W 86° 14' 45.0"	183.7	-0.44	SHORT
WNWN-FM	Lic	MWC, Inc.	253B	143.3	50 H	N 42° 03' 28.0"	100.4	112.5	113.0	
Coldwater		MI	BLH-790601AC	98.5	435.9	50 V	W 84° 59' 51.0'	281.2	-0.47	SHORT
WFRG	Lic	Hailh Broadcasling Corporalion	254 A	150.0	2.75 H	N 43° 01' 57.0'	30.7	101.8	31.00	
Grand Rapids		MI	BLH-19920806KD	98.7	378.0	2.75 V	W 85° 41' 47.0"	211.1	70.77	CLEAR
ALLOC			255 A			N 43° 54' 08.0"	4.1	184.4	31.00	
Walhalla		MI	DOC-97-118	98.9		W 86° 10' 13.0'	184.2	153.4	CLEAR	

>> End of channel 252 A study <<

**FIGURE 1.**  
**Channel 252A Spacing Study**  
**At Hartford, Michigan**  
**Reference Site**



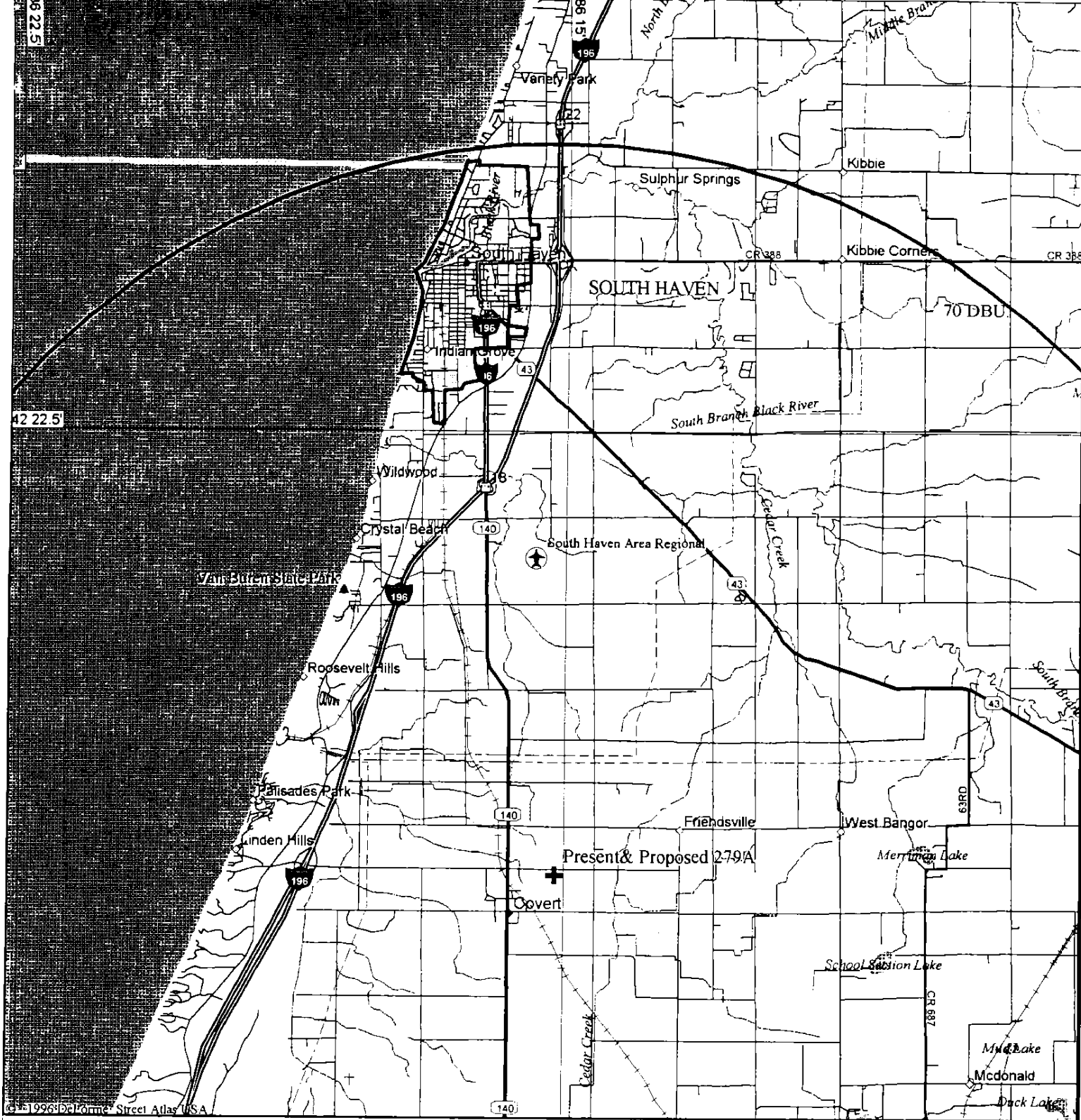
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Scale 1 100 000 (at center)

2 Miles

- |                            |                |
|----------------------------|----------------|
| Secondary SR/Road/Hwy Ramp | Railroad       |
| Major Connector            | Small Town     |
| State Route                | Airfield       |
| Road Under Construction    | Public Airport |
| Trail                      | Exit           |
| Interstate/Limited Access  | Cemetery       |
| Rest Area with facilities  |                |
| Utility/Pipe               |                |

**FIGURE 2.**  
**PROPOSED CHANNEL 252A**  
**70 dBu. CONTOUR AT**  
**HARTFORD, MI.**



Mag 12 00  
 Tue Nov 19 21:02 2002  
 Scale 1:100,000 (at center)  
 2 Miles

2 KM

- |                            |                   |
|----------------------------|-------------------|
| Secondary SR/Road/Hwy Ramp | Airfield          |
| Major Connector            | Park/Reservation  |
| State Route                | Locale            |
| Trail                      | Public Airport    |
| Interstate/Limited Access  | Exit              |
| Utility/Pipe               | Cemetery          |
| Railroad                   | Population Center |
| Small Town                 | County Boundary   |

**FIGURE 3.**  
**PROPOSED CHANNEL 279A**  
**70 dBu. CONTOUR AT**  
**SOUTH HAVEN, MI.**